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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

STARDOCK SYSTEMS, INC.,

Plaintiff,

vs.

PAUL REICHE III and ROBERT
FREDERICK FORD,

Defendants.

AND RELATED COUNTERCLAIM

Case No.: 4:17-cv-07025-SBA

**DECLARATION OF ROBERT A. WEIKERT IN
SUPPORT OF STARDOCK SYSTEMS, INC.'S
OPPOSITION TO DEFENDANTS AND
COUNTERCLAIMANTS' MOTION TO
DISMISS COUNTS TWELVE AND THIRTEEN
OF STARDOCK'S THIRD AMENDED
COMPLAINT**

DECLARATION OF ROBERT A. WEIKERT IN SUPPORT OF STARDOCK SYSTEMS, INC.'S OPPOSITION
TO DEFENDANTS AND COUNTERCLAIMANTS' MOTION TO DISMISS COUNTS TWELVE AND
THIRTEEN OF STARDOCK'S THIRD AMENDED COMPLAINT

Case No. 17-cv-07025-SBA

1 I, Robert A. Weikert declare:

2 1. I am a partner at Nixon Peabody LLP, counsel of record for Plaintiff Stardock
3 Systems, Inc. (“Stardock”). I make this declaration in support of Stardock’s Opposition to
4 Defendants and Counterclaimants’ Motion to Dismiss Counts Twelve and Thirteen of Stardock’s
5 Third Amended Complaint. Unless otherwise noted, I have personal knowledge of the following
6 and, if called upon to do so, would and could testify competently to the same in a court of law.

7 2. Attached hereto as Exhibit A is a true and correct copy of an October 25, 2018 through
8 October 26, 2018 email exchange between me and Tiffany S. Hansen, one of the attorneys of
9 record for Defendants and Counterclaimants (hereinafter “Counterclaimants”) in the above-
10 captioned Action.

11 3. The parties to this dispute have entered into a stipulated protective order that permits
12 either party to designate certain delineated, private and confidential documents produced as
13 “Confidential” or “Attorneys’ Eyes Only.” Per the protective order, documents so designated are
14 to be afforded agreed upon protections that precludes the use of the confidential or “AEO”
15 documents from being filed in open court. In discovery, we identified an email chain that clearly
16 demonstrated Counterclaimants’ intent to interfere with Stardock’s contractual relations and
17 economic advantage. That communication was marked “AEO” when it was produced, although
18 in our view, it did not qualify as confidential and subject to protection under the terms of the
19 stipulated protective order. Therefore, on or about October 26, 2018, Dawn Valentine from our
20 office wrote to Stephen C. Steinberg, one of Counterclaimants’ attorneys, questioning why that
21 email chain that had been produced by Counterclaimants in this Action was designated
22 “Attorney’s Eyes Only.” After receiving no response, a follow up email was sent on October 31,
23 2018 to Tiffany S. Hansen requesting a response to the original October 26, 2018 email.

24 4. On November 7, 2018, Tiffany S. Hansen finally responded to the October 26, 2018
25 email. The response was not substantive, but instead requested that the parties meet and confer
26 approximately three (3) weeks later during or following the Thanksgiving Holiday.

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28 DECLARATION OF ROBERT A. WEIKERT IN SUPPORT OF STARDOCK SYSTEMS, INC.’S OPPOSITION
TO DEFENDANTS AND COUNTERCLAIMANTS’ MOTION TO DISMISS COUNTS TWELVE AND
THIRTEEN OF STARDOCK’S THIRD AMENDED COMPLAINT
Case No. 17-cv-07025-SBA

